PETITION TO SELL LANDS BELONGING TO M H WINBURN
JULY, 1875

The State of Mississippi, Chancery Court
Greene County } July Term. 1875.

To the Honorable Wm. G. Henderson Chancellor of the State of Mississippi

Your Orators ~~The State of Petition~~ James E McGowan & Matilda A McGowan respectfully represents your honor that M H Winburn recently departed this life in the County aforesaid leaving situate in said County the following described real Estate to wit ~~situated in said County, to wit~~ S. W ¼ of Sec 10, E ½ of N E ¼, E ½ of S W ¼, W ½ of S E ¼ sec 11, Lots No 1 & 2 of West fract Sec 12. Frac sec 13. Sec 14 & E ½ sec 16, N ½ of N E ¼. N W ¼, N W ¼ of S W ¼, W ½ of S E ¼ & S ½ of N E ¼ of Sec 23, the West frac Sec 24, the N ½ of Lots 2 & 6 Sec 34 of Town 2 South of Range 6 West. Your petitioners further show that said Winburn died without leaving any last will & testament & leaving personal Estate more than sufficient to pay his debts, & that he left no widow, but children as follows ~~Geo~~ John A Winburn, Your petitioner Matilda A McGowan, Julia Winburn, ~~Mollie~~ Mary E Winburn Wm W. Winburn & Margaret E. Winburn, who are joint owners and tenants in common of said real Estate Your petitioners further show that said lands are wholly unproductive & a

Sec 10
Sec 14

[illegible]
M.H.
WINBURN'S
CHILDREN

John O.
Matilda
Julia
Mary E.
William W.
Margaret E.

liable to great waste & deterioration in
value, and if a partition thereof should
be ~~[illegible]~~ attempted it cannot be conveniently
be done without impairing the value of
the whole and that it is for the in-
terest of all concerned that said real
Estate should be sold and the proceeds
equally divided among the heirs aforesaid
And your petitioners further show that
all of said heirs are minors under the
age of 21 years and that John O Winburn
has a guardian John J. McInnis who re-
sides in the County of Greene & State afore-
said & that he the said John O some time
since left the State of Mississippi and when
last heard from ~~[illegible]~~ was in the army
on the frontier of Texas without any
fixed place of residence, that Mary
E Winburn & Julia Winburn reside in
the County of Clarke & State of Mississippi
& that Robert D. Weems is their guardian
who resides in said County of Clarke, that
Wm Wirt Winburn with his guardian
William N Weems resides at Escatawpa
in Washington County & State of Alabama
& that their post office is at Escatawpa
aforesaid, and that Margaret E. Winburn
with her guardian George W Turner resides.

John O. Winburn
Guardian – John J. McInnis
In Army in Texas

Mary & Julia
Guardian – R.D Weems in Clark Co

William Wirt
Guardian – William N. Weems in Washington County, Alabama at Escatawba

Margaret
Guardian – Geo. W Turn

in the County of Greene & State of Mississippi Your orators pray that said other heirs may be made parties defendant to this your orators bill. That publication according to law may be made for John O. Winburn & William W ~~Owens~~ Winburn & William N. Owens & citation may be sent to said Wm W Winburn & Wm N Owens to their post office at Escatawpa and that subpoena may issue to Greene County for John J McInnis guardian of John C Winburn & Margaret E Winburn & George W Turner & to Clarke County for Julia Winburn & Mary E Winburn & Robert L Owens her guardian requiring them to appear at the next term of this court & answer your orators bill of complaint And that upon a final hearing your honor would decree a sale of said lands accordingly or if a partition thereof be deemed most advisable that commissioners be appointed to make partition thereof & that your honor would grant your orators such further and other relief as to your honor may appear equitable & just.

Jas E McGowan
Matilda A McGowan

L. Moore Sol
for Pltffs

In open Court personally appeared James E McGowan who being sworn on oath says that the facts set forth in the foregoing bill are true to the best of his knowledge information & belief J E McGowan

Sworn to & subscribed
July 12th 1875
W E [illegible]
Clk

Jas E McGowan
Matilda A McGowan
vs Bill for partition of Real Estate
John C Winburn
Mary E Winburn
Julia Winburn
Wm W Winburn
Margaret E Winburn

Bill of complaint
filed July 12th 1876
W E [illegible]
Clerk

PETITION OF MATILDA WINBURN TO BECOME GUARDIAN OF HER SISTER (MARGARET ELIZABETH WINBURN) WHO WAS LIVING WITH GEORGE TURNER.

Show that Turner wa not a relative of child of M.H WINBURN - See next Page

July 1875
4 years
1871

DIED IN EARLY 1871

The State of Mississippi } Chancery Court
Greene County } July Term AD 187[illegible]

To the Hon Wm G. Henderson Chancellor of the 1st District of the State of Mississippi

The Petition of James E. McGowan and Matilda A. Gowan ~~respectfully~~ his wife respectfully shows unto your honor that about 4 years since the mother of the said Matilda A departed this life leaving a new born infant daughter since called Margaret Elizabeth. That at the time of said mother's death the said mother was the wife of M H Winburn of said County, and that upon the death of the said mother said infant child was taken charge of by Mrs Turner wife of George W Turner who has continued to care for said child up to the present time. Your petitioners further show that some 18 months after the death of said mother her husband the said M. H Winburn departed this life in said County & that said George W Turner has applied for and obtained letters of guardianship of the property & person of the said infant Margaret E and that her property consists of some 40 head of stock cattle and ~~an~~ a sixth undivided interest in the Estate real and personal of the said M H Win

MOTHER DIED ABOUT 4 YEARS PRIOR LEAVING NEW BORN - Margaret Elizabeth

George Turner's wife took charge of infant

MH Winburn died 18 month after wife

Property
40 head of cattle
1/6 interest in real estate

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burn. Your petitioner further states and avers that at the time said infant was taken by said Turner & wife it was generally supposed & understood that it was so taken as an act of charity & humanity without any intent to charge therefor, but that since the death of said Winburn the said Turner has presented a claim against his Estate for the sum of $180 for care & attention bestowed on said child, which the administrator has refused to allow. And that said ~~administrator~~ guardian has exhibited a disposition to charge for every little service rendered to his said ward & her property in such a manner as will soon exhaust her little ~~property~~ estate. Your petitioner further shows that neither said Turner nor his wife are related to their said ward, and that they live in a poor and sparsely settled neighborhood where there are no advantages for schooling & that she has not the means of being sent from home to school and that if she remain in her present location she must grow up without the means of education. And they further represent that from the thinly populated neighborhood in which she lives said child must grow up without any advantage of society suitable to her birth and

Neither Turner or wife a relative of child

Live in poor neighborhood

parentage and without any opportunity of attending any preaching of the gospel or receiving religious instruction and that it is greatly to the interest of said ward that she should be removed to some locality where she can have the benefit of society suitable to her degree and the means of intellectual moral & religious instruction afforded her.

Your petitioners further show that they reside near De Soto in Clarke County in the State of Mississippi and have the advantage of good society, good schools and religious instruction and that they are willing and anxious to take charge of said child & rear her in the condition appropriate to her sex & birth, and without compensation for board or any thing that can be procured without cost to them and they therefore pray that said Turner may be made a party defendant to this petition and that he may be required to appear at the next term of this court and show cause why the prayer of your petitioners should not be granted & that citation may issue therefor & that upon a final hearing your honor would remove said Turner as the guardian of the person & property of the said Margaret E. Winburn & your petitioners will pray.

J. E. McGowan

In open Court personally appeared J. E. McGowan who being sworn on oath says that the facts set forth in the foregoing petition are just & true to the best of his knowledge information & belief J. E. McGowan

Sworn to & subscribed
July the 12th 1875
W. E. Thomas
Clerk

James E McGowan
Matilda A McGowan
vs
George W Turner

Petition to remove
Guardian filed
July 12th 1875
W. E. Thomas

for a rule absolute against W. H. West, former sheriff requi him to over into Court the balance of the Corn seized by him under the writ of sequestration, is continued until the next term of this Court.

GUARDIAN R.D. WEEMS

238 JULIA WINBORN

In the matters of the Guardianship of Julia Winborne a Minor, R. D. Weems Guardian

The motion of the Guardian for leave to file an Invent of the personal property, coming on for hearing, motion sust. Ordered that said Guardian file said Inventory of the perso property of said Ward.

M. ADA WINBURN 238

In the matter of the Guardianship of M. Ada Winborn a minor R. D. Weems Guardian

The motion of the Guardian for leave to file an Invento of personal property, coming on for hearing, motion sustained and said guardian file an Inventory of the personal property of said Ward

MARY WINBURN 238

In the matter of the Guardianship of Mary Winborn a R. D. Weems Guardian

The motion of the Guardian for leave to file an Inventory of the personal property coming on for hearing, motion is he sustained, and that said Guardian have leave to file an Inventory of the personal property of said ward

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A M & J W Hiller
vs
Morris G. Tonlee & al.

The motion of complaina solicitors to suppress the ositions of Allen G. McCa filed in this cause 1st Because said Cause was set for hearing at the last Term of this Court & was stan on the issue docket at the time said depositions was ta 2d Because said depositions was taken contrary to Rule of this Court, which motion being heard and sufficien considered by the Court is by the Court sustained & therefore ordered by the Court that said depositions and the same is hereby suppressed.

Ordered that Court adjourn until to morrow morning Nine (9) Oclock A M.

A Drane

of the third Chancery court District of the State Mississippi in the County of Clarke

The Petition of William, N. Weems shows
That M. H. Winburn late of Green County in the State of Mississippi Deceaside left One heir to wit: Wort Winburn who is a minor and under the age of (14) Fourteen years.
that said Minor are Entitled as an Heir at Law of said M. H. Winburn deceased who died Intestate to a small real and personal estate Estimated at $400.00 Four Hundred dollars for Each heirs share and your petitioner is advised that a Legal Guardian is necessary for the protection of the interest of said Minor there in

That your petitioner is a natural Uncle, a Brother of the The deceased Mother of said. Minor Child and as such has since the Death of said M. H. Winburn had the Custody and care and Protection and duties of Guardian in his behalf.

Your petitioner moved by his natural affection and anxious to secure and protect all the rights of said Minor at law in the distribution of the estate of said deceased. therefore Prays that Letters of Guardianships may be granted to him as the person and estate of said Minor according to the provisions of the Statute
And Your petitioner as in duty love &c

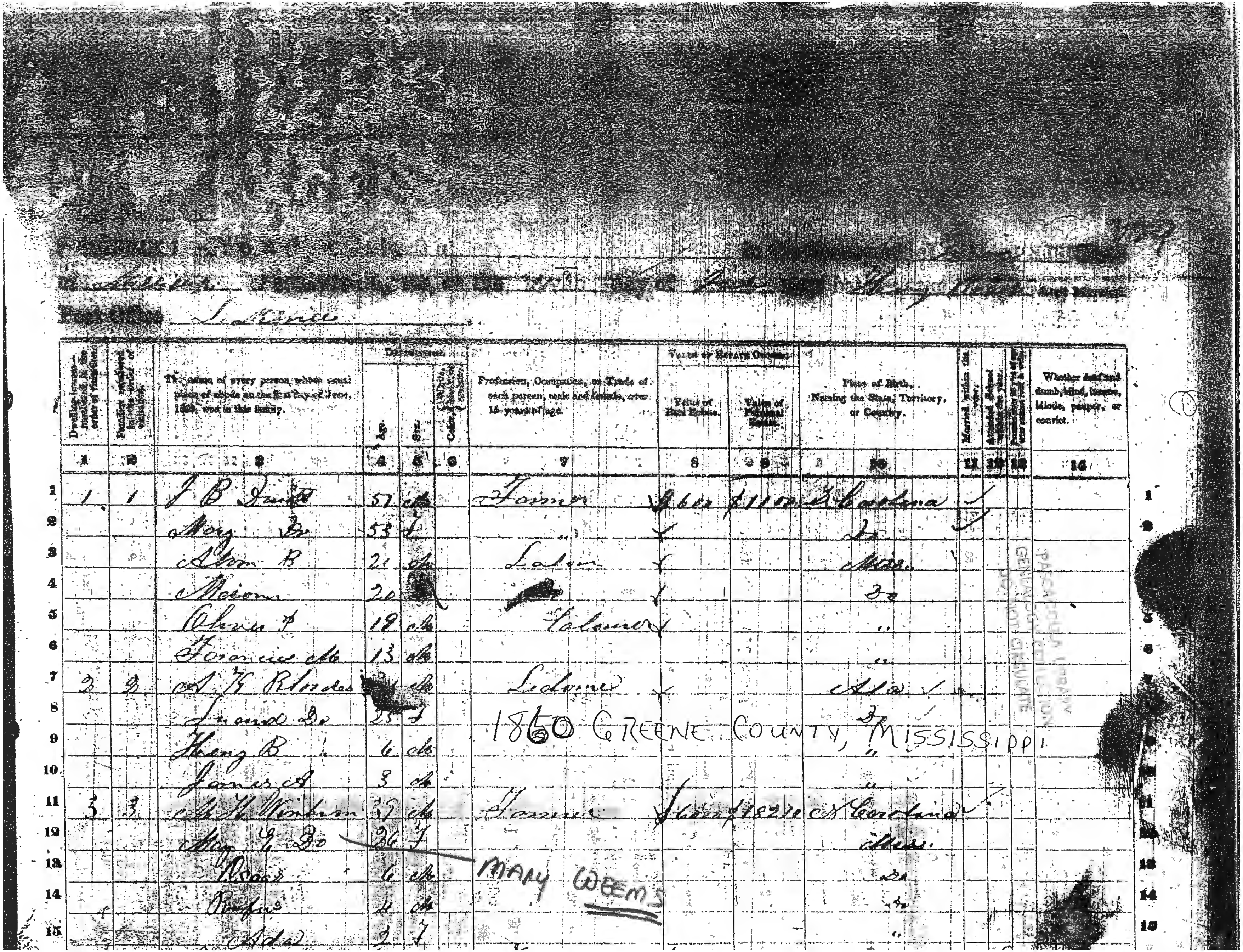
Sworn to & Subscribed before me this 7th Sept. A.D. 1892
B. M. A. Smith Chancery Clk
pr R. N. Scales Dpty Clk

W. N. Weems

TATES
IAT
N. WEEMS
A BROTHER
WORT WINBURN'S
MOTHER.
IS SHOWS
THE
[illegible]
THER WAS
A
EEMS

IS BROTHER
ENUMERATED IN
1880 CENSUS
AS R.D.
[illegible] STATES
LLIE WEEMS
A NIECE

[illegible]
TO R.D.
TO W.N.
EEMS WERE
BROTHERS



Post Office L[illegible]

Dwelling-houses numbered in the order of visitation	Families numbered in the order of visitation	The name of every person whose usual place of abode on the first day of June, 1860, was in this family	Age	Sex	Color	Profession, Occupation, or Trade of each person, male and female, over 15 years of age	Value of Real Estate	Value of Personal Estate	Place of Birth, Naming the State, Territory, or Country	Married within the year	Attended school within the year	Persons over 20 years of age who cannot read & write	Whether deaf and dumb, blind, insane, idiotic, pauper, or convict
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	1	J B Davis	57	m		Farmer	$600	$1100	S Carolina				
		Mary Do	53	f					Do				
		Alton B	21	m		Labor			Miss				
		Marion	20	[illegible]		[illegible]			Do				
		Oliver F	19	m		Laborer			"				
		Francis M	13	m					"				
2	2	A K Rhodes	[illegible]	m		Laborer			Ala				
		Luand Do	25	f					Do				
		Henry B	6	m					"				
		James A	3	m					"				
3	3	A H Winborn	37	m		Farmer	$600	$1827	N Carolina				
		Mary E Do	26	f					Miss				
		Oscar	6	m					Do				
		Rufus	4	m					Do				
		Ada	2	f					"				

1860 GREENE COUNTY, MISSISSIPPI

MARY WEEMS

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Ex W H Windham

34	R.D. Weems	Y	[illegible]	W	M	50			/	Farmer	✓
35		Y	Sarah	W	F	42	Wife		/	Keeping house	
36		Y	[illegible]	W	M	18	Son	/		At School	
37		X	E[illegible]	W	F	16	Daughter	/		" "	
38		X	C[illegible]	W	M	13	Son	/		" "	
39	Mollie Winburn (Niece)	/	[illegible] Mollie	W	F	11	Niece	/		" "	✓
40		Y	[illegible] Margaret	B	F	50			/	Laborer	
41		Y	Mary	B	F	7	Daughter	/		At School	
42		X	[illegible]	B	F	21	"	/		Laborer	✓
43			Harriet	B	F	18	"	/		Laborer	✓
44		X	Ho[illegible], J[illegible]	B	M	58			/	Farmer	✓
45		Y	[illegible]	B	F	53	Wife		/	Keeping house	
46		Y	[illegible]	B	M	20	Son	/		Laborer	✓
47		Y	Alonzo	B	M	18	"	/		"	
48		X	[illegible]	B	F		Daughter	/			
49		Y	[illegible]	B	M	13	Son	/			
50		Y	[illegible]	B	F	11	Daughter	/			

D.—In making entries in columns 9, 10, 11, 12, 16 to 23, an affirmative mark only will be used—thus /, except in the case of divorced persons, column 11, when the

E.—Question No. 12 will only be asked in cases where an affirmative answer has been given either to question 10 or to question 11.

F.—Question No. 14 will only be asked in cases when a gainful occupation has been reported in column 13.

G.—In column 7 an abbreviation in the name of the month may be used, as Jan., Apr., Dec.

1880 Census - Clarke Co.

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Mrs Strickland,

In you book, "Who Married Who In Greene County, Ms", you list the wife of M. H. Winburn as Mary Turner. Per my research & family history, this is not correct. Monteville H Winburn was my great great grandfather. His wife was MARY WEEMS. The children that you list is correct. Attached is documentation that proves that Mary was a Weems.

1) Petition of James & Matilda (Winburn) McLeu

Seeking to become the guardian of Matilda's sister Margaret. This petition shows that the youngest child of M H Winburn's was raised from the age of 1 to 4 by George Turner & his wife. Mary Weem Winburn died giving birth to the child. This document clearly states that Georg Turner and his wife are not kin to the child.

2) Petitions of R.D Weems & W. N. Weems stating that they are the Uncle of M H Winburn's children on the mother's side.

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3) A copy of estate papers listing Margaret as a sister of the other Winburn children.

Plus, my grandmother always stated that her grandmother was Mary Weems. The confusion may have resulted since one of the children lived with the Turners for a while. The petition fully explains this.

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Incidentally, M. H. Winburn apparently was one of the weathiest people in Leakesville. He served as a 1 LT in the Confederate Army in the

Gaines Warrior Unit (24th Inf) from Leakesville He was later known as Colonel Winburn, but I have no proof that he ever was promoted higher than 1 LT. He owned app 2600 acres in v just South of the present town of Leakesville. His wife died in 1871 and he died in 1872. Most of the children lived with the Weems family in DeSoto, Ms, Clarke County. If you have any questions, please do not hesitate to write. The estate papers of M H Winburn can be found in Greene

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County Courthouse in the Chancery Clerk estate (court) files. It is case number One.

Sincerely
George Norman Shirley, Jr

508 Arbor Drive
Madison, Mississippi
39110

601-856-9041

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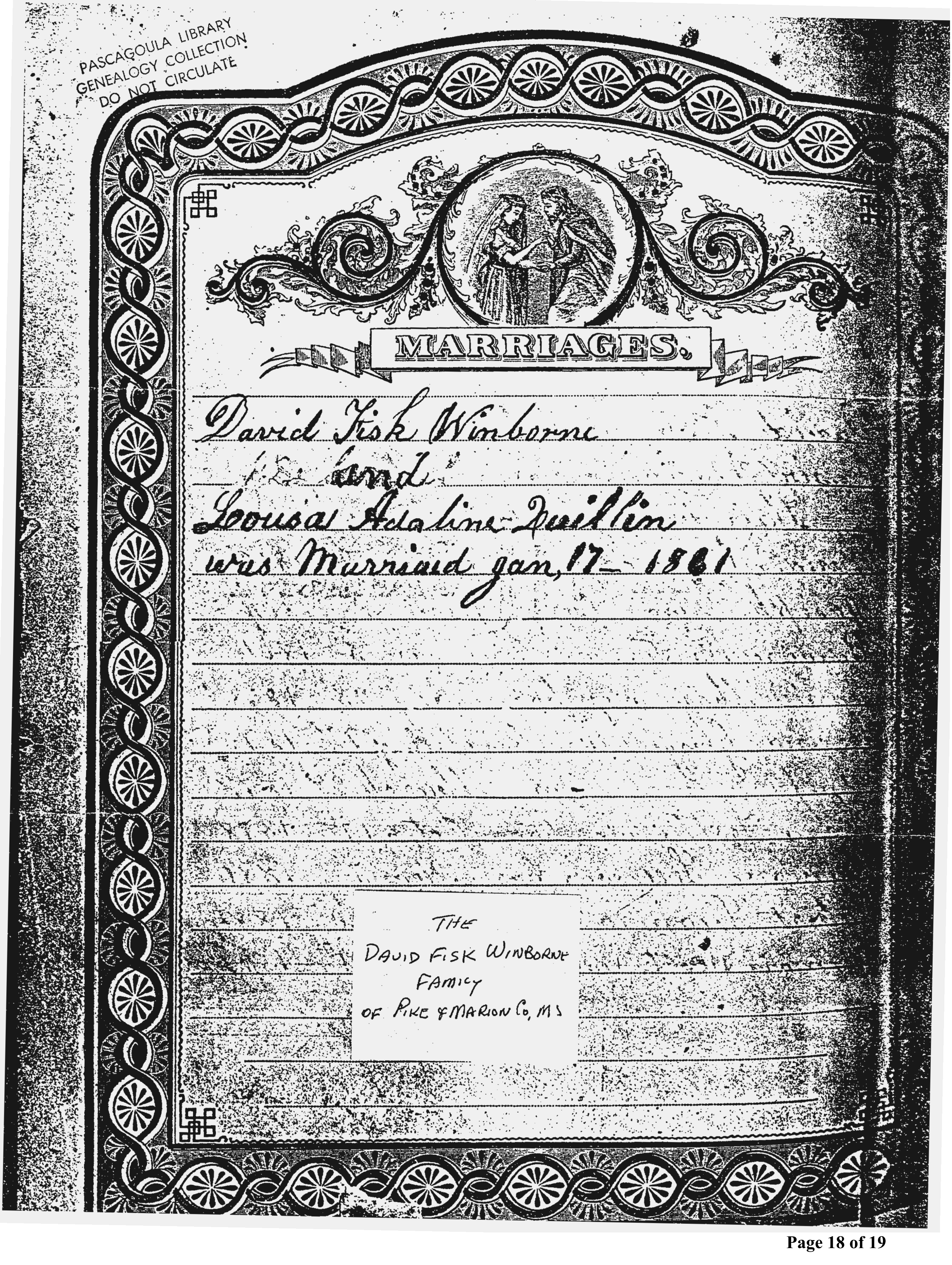
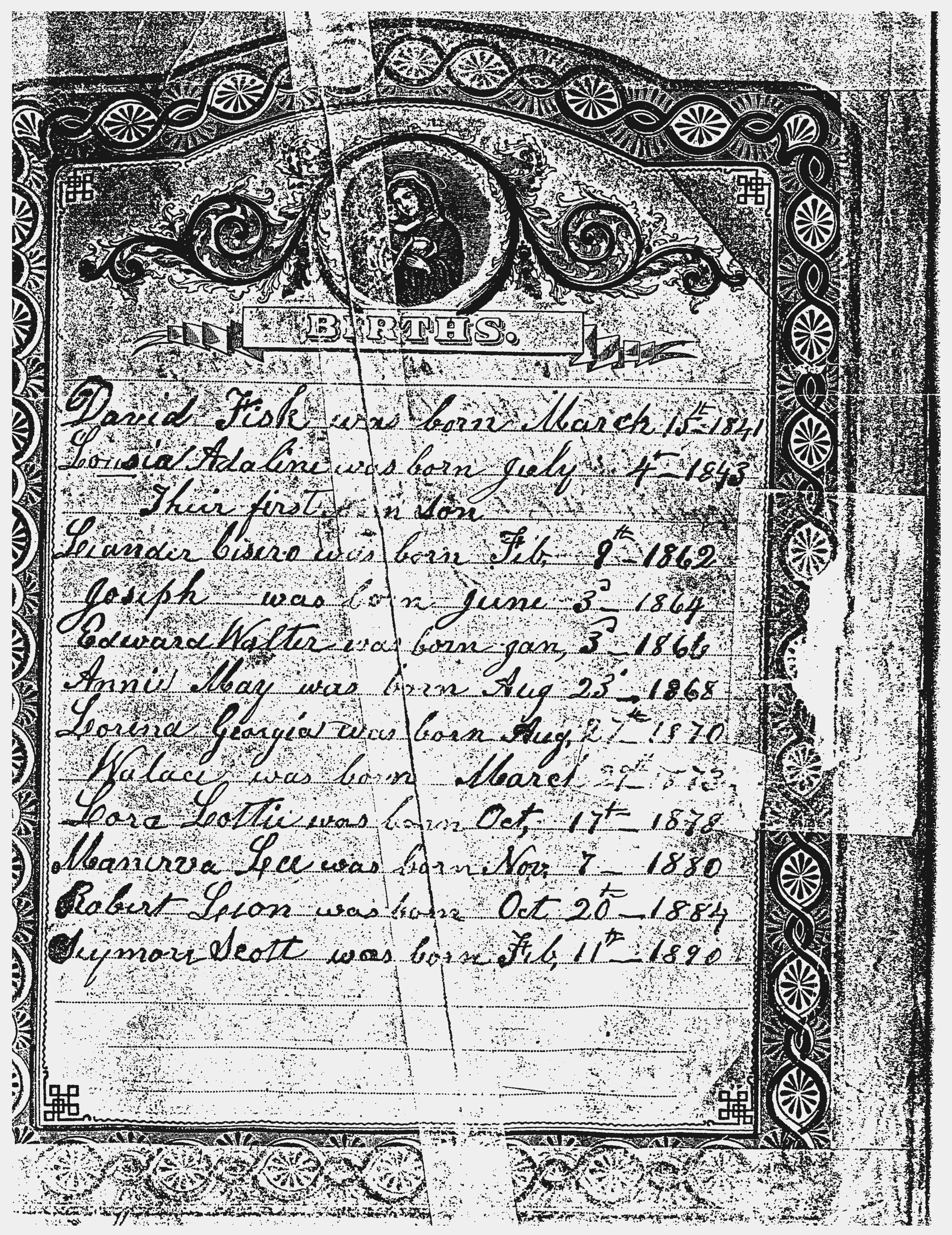


MARRIAGES.

David Fisk Winborne
and
Lousa Adaline Quillin
was Marriaid jan, 17– 1861

THE
DAVID FISK WINBORNE
FAMILY
OF PIKE & MARION CO, MS



BIRTHS.

David Fisk was born March 15th 1841
Louisia Adaline was born July 4th 1843
Their first born son
Leander Cisero was born Feb. 9th 1862
Joseph was born June 3d 1864
Edward Walter was born Jan, 3d 1866
Annie May was born Aug 23d 1868
Lorina Georgia was born Aug 27th 1870
Walace was born March 27th 1873
Cora Lottie was born Oct, 17th 1878
Manirva Lee was born Nov 7 1880
Robert Leon was born Oct 20th 1884
Symore Scott was born Feb, 11th 1890